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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gillies *et al.* CONFIRMATION NO.: 8576
SERIAL NUMBER: 10/603,064 GROUP NO.: 1646
FILING DATE: June 24, 2003 EXAMINER: Mertz, P.
TITLE: Multiple Cytokine Protein Complexes

Terminal Disclaimer

I, Stephen D. Gillies, Ph.D., residing at 47 Swanson Lane, Carlisle, Massachusetts, state that I am a representative authorized to sign on behalf of EMD Lexigen Research Center Corp., identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Application No. 10/603,064. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of EMD Lexigen Research Center Corp.

EMD Lexigen Research Center Corp. of 45A Middlesex Turnpike, Bedford Campus, Billerica, Massachusetts 01821 is the assignee of the entire right, title and interest in and to the above-identified application, U.S. Application No. 10/603,064, by virtue of an assignment from the inventors to Lexigen Pharmaceuticals Corp., as recorded in the United States Patent and Trademark Office at Reel 015733, Frame 0236, on August 27, 2004, and a change of corporate name from Lexigen Pharmaceuticals Corp. to EMD Lexigen Research Center Corp., as recorded in the United States Patent and Trademark Office at Reel 014815, Frame 0751, on December 19, 2003.

EMD Lexigen Research Center Corp. hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term of U.S. Patent No. 6,617,135 and hereby agrees that any patent so granted on U.S. Application No. 10/603,064 shall be enforceable only for and during such period that the patent is commonly owned with U.S. Patent No. 6,617,135. This agreement runs with any patent granted on the instant application and is binding upon the Assignee, its successors or assigns.

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EMD Lexigen Research Center Corp. does not disclaim any terminal part of the term of any patent granted on the instant application prior to the expiration date of the full statutory term of U.S. Patent No. 6,617,135, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EMD Lexigen Research Center Corp.

By:

Stephen D. Gillies

Name:

Stephen D. Gillies, Ph.D.

Title:

President

Date:

OCT. 12, 2005

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